

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3007
OFFERED BY MR. GOODLING**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Commission on the
3 Advancement of Women in Science, Engineering, and
4 Technology Development Act”.

5 SEC. 2. FINDINGS.

6 The Congress finds the following:

7 (1) According to the National Science Founda-
8 tion’s 1996 report, Women, Minorities, and Persons
9 with Disabilities in Science and Engineering—

10 (A) women have historically been under-
11 represented in scientific and engineering occu-
12 pations, and although progress has been made
13 over the last several decades, there is still room
14 for improvement;

15 (B) female students take fewer high-level
16 mathematics and science courses in high school;

17 (C) female students earn fewer bachelors,
18 masters, and doctoral degrees in science and
19 engineering;

1 (D) among recent bachelors of science and
2 bachelors of engineering graduates, women are
3 less likely to be in the labor force, to be em-
4 ployed full-time, and to be employed in their
5 field than are men;

6 (E) among doctoral scientists and engi-
7 neers, women are far more likely to be em-
8 ployed at 2-year institutions, are far less likely
9 to be employed in research universities, and are
10 much more likely to teach part-time;

11 (F) among university full-time faculty,
12 women are less likely to chair departments or
13 hold high-ranked positions; and

14 (G) a substantial salary gap exists between
15 men and women with doctorates in science and
16 engineering.

17 (2) According to the National Research Coun-
18 cil's 1995 report, Women Scientists and Engineers
19 Employed in Industry: Why So Few?—

20 (A) limited access is the first hurdle faced
21 by women seeking industrial jobs in science and
22 engineering, and while progress has been made
23 in recent years, common recruitment and hiring
24 practices that make extensive use of traditional

1 networks often overlook the available pool of
2 women;

3 (B) once on the job, many women find pa-
4 ternalism, sexual harassment, allegations of re-
5 verse discrimination, different standards for
6 judging the work of men and women, lower sal-
7 ary relative to their male peers, inequitable job
8 assignments, and other aspects of a male-ori-
9 ented culture that are hostile to women; and

10 (C) women to a greater extent than men
11 find limited opportunities for advancement, par-
12 ticularly for moving into management positions,
13 and the number of women who have achieved
14 the top levels in corporations is much lower
15 than would be expected, based on the pipeline
16 model.

17 (3) The establishment of a commission to exam-
18 ine issues raised by the findings of these 2 reports
19 would help—

20 (A) to focus attention on the importance of
21 eliminating artificial barriers to the recruit-
22 ment, retention, and advancement of women in
23 the fields of science, engineering, and tech-
24 nology, and in all employment sectors of the
25 United States;

1 (B) to promote work force diversity;

2 (C) to sensitize employers to the need to
3 recruit and retain women scientists, engineers,
4 and computer specialists; and

5 (D) to encourage the replication of suc-
6 cessful recruitment and retention programs by
7 universities, corporations, and Federal agencies
8 having difficulties in employing women in the
9 fields of science, engineering, and technology.

10 **SEC. 3. ESTABLISHMENT.**

11 There is established a commission to be known as the
12 “Commission on the Advancement of Women in Science,
13 Engineering, and Technology Development” (in this Act
14 referred to as the “Commission”).

15 **SEC. 4. DUTY OF THE COMMISSION.**

16 The Commission shall review available research, and,
17 if determined necessary by the Commission, conduct addi-
18 tional research to—

19 (1) identify the number of women (including
20 minority women and women with disabilities) in the
21 United States in specific types of occupations in
22 science, engineering, and technology development;

23 (2) examine the preparedness of women (includ-
24 ing minority women and women with disabilities)
25 to—

1 (A) pursue careers in science, engineering,
2 and technology development; and

3 (B) advance to positions of greater respon-
4 sibility within academia, industry, and govern-
5 ment;

6 (3) describe the practices and policies of em-
7 ployers and labor unions relating to the recruitment,
8 retention, and advancement of women (including mi-
9 nority women and women with disabilities) in the
10 fields of science, engineering, and technology devel-
11 opment;

12 (4) identify the opportunities for, and artificial
13 barriers to, the recruitment, retention, and advance-
14 ment of women (including minority women and
15 women with disabilities) in the fields of science, en-
16 gineering, and technology development in academia,
17 industry, and government;

18 (5) compile a synthesis of available research on
19 lawful practices, policies, and programs that have
20 successfully led to the recruitment, retention, and
21 advancement of women (including minority women
22 and women with disabilities) in science, engineering,
23 and technology development;

24 (6) issue recommendations with respect to law-
25 ful policies that government (including Congress and

1 appropriate Federal agencies), academia, and private
2 industry can follow regarding the recruitment, reten-
3 tion, and advancement of women (including minority
4 women and women with disabilities) in science, engi-
5 neering, and technology development;

6 (7) identify the disincentives for women (includ-
7 ing minority women and women with disabilities) to
8 continue graduate education in the fields of engi-
9 neering, physics, and computer science;

10 (8) identify university undergraduate programs
11 that are successful in retaining women (including
12 minority women and women with disabilities) in the
13 fields of science, engineering, and technology devel-
14 opment;

15 (9) identify the disincentives that lead to a dis-
16 proportionate number of women (including minority
17 women and women with disabilities) leaving the
18 fields of science, engineering, and technology devel-
19 opment before completing their undergraduate edu-
20 cation;

21 (10) assess the extent to which the rec-
22 ommendations of the Task Force on Women, Mi-
23 norities, and the Handicapped in Science and Tech-
24 nology established under section 8 of the National
25 Science Foundation Authorization Act for Fiscal

1 Year 1987 (Public Law 99–383; 42 U.S.C. 1885a
2 note) have been implemented;

3 (11) compile a list of all Federally funded re-
4 ports on the subjects of encouraging women (includ-
5 ing minority women and women with disabilities) to
6 enter the fields of science and engineering and re-
7 taining women (including minority women and
8 women with disabilities) in the science and engineer-
9 ing workforce that have been issued since the date
10 that the Task Force described in paragraph (10)
11 submitted its report to Congress; and

12 (12) assess the extent to which the rec-
13 ommendations contained in the reports described in
14 paragraph (11) have been implemented.

15 **SEC. 5. MEMBERSHIP.**

16 (a) NUMBER AND APPOINTMENT.—The Commission
17 shall be composed of 11 members as follows:

18 (1) 1 member appointed by the President from
19 among for-profit entities that hire individuals in the
20 fields of engineering, science, or technology develop-
21 ment.

22 (2) 2 members appointed by the Speaker of the
23 House of Representatives from among such entities.

1 (3) 1 member appointed by the minority leader
2 of the House of Representatives from among such
3 entities.

4 (4) 2 members appointed by the majority leader
5 of the Senate from among such entities.

6 (5) 1 member appointed by the minority leader
7 of the Senate from among such entities.

8 (6) 2 members appointed by the Chairman of
9 the National Governors Association from among in-
10 dividuals in education or academia in the fields of
11 life science, physical science, or engineering.

12 (7) 2 members appointed by the Vice Chairman
13 of the National Governors Association from among
14 such individuals.

15 (b) INITIAL APPOINTMENTS.—Initial appointments
16 shall be made under subsection (a) not later than 90 days
17 after the date of the enactment of this Act.

18 (c) TERMS.—

19 (1) IN GENERAL.—Each member shall be ap-
20 pointed for the life of the Commission.

21 (2) VACANCIES.—A vacancy in the Commission
22 shall be filled in the manner in which the original
23 appointment was made.

24 (d) PAY OF MEMBERS.—Members shall not be paid
25 by reason of their service on the Commission.

1 (e) TRAVEL EXPENSES.—Each member shall receive
2 travel expenses, including per diem in lieu of subsistence,
3 in accordance with sections 5702 and 5703 of title 5,
4 United States Code.

5 (f) QUORUM.—A majority of the members of the
6 Commission shall constitute a quorum for the transaction
7 of business.

8 (g) CHAIRPERSON.—The Chairperson of the Commis-
9 sion shall be elected by the members.

10 (h) MEETINGS.—The Commission shall meet not
11 fewer than 5 times in connection with and pending the
12 completion of the report described in section 8. The Com-
13 mission shall hold additional meetings for such purpose
14 if the Chairperson or a majority of the members of the
15 Commission requests the additional meetings in writing.

16 (i) EMPLOYMENT STATUS.—Members of the Com-
17 mission shall not be deemed to be employees of the Fed-
18 eral Government by reason of their work on the Commis-
19 sion except for the purposes of—

20 (1) the tort claims provisions of chapter 171 of
21 title 28, United States Code; and

22 (2) subchapter I of chapter 81 of title 5, United
23 States Code, relating to compensation for work inju-
24 ries.

1 **SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS**
2 **AND CONSULTANTS.**

3 (a) DIRECTOR.—The Commission shall appoint a Di-
4 rector who shall be paid at a rate not to exceed the maxi-
5 mum annual rate of basic pay payable under section 5376
6 of title 5, United States Code.

7 (b) STAFF.—The Commission may appoint and fix
8 the pay of additional personnel as the Commission consid-
9 ers appropriate.

10 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE
11 LAWS.—The Director and staff of the Commission may
12 be appointed without regard to the provisions of title 5,
13 United States Code, governing appointments in the com-
14 petitive service, and may be paid without regard to the
15 provisions of chapter 51 and subchapter III of chapter 53
16 of that title relating to classification and General Schedule
17 pay rates, except that an individual so appointed may not
18 receive pay in excess of the maximum annual rate of basic
19 pay payable under section 5376 of title 5, United States
20 Code.

21 (d) EXPERTS AND CONSULTANTS.—The Commission
22 may procure temporary and intermittent services under
23 section 3109(b) of title 5, United States Code, at rates
24 for individuals not to exceed the maximum annual rate
25 of basic pay payable under section 5376 of title 5, United
26 States Code.

1 (e) STAFF OF FEDERAL AGENCIES.—Upon request
2 of the Commission, the Director of the National Science
3 Foundation or the head of any other Federal department
4 or agency may detail, on a reimbursable basis, any of the
5 personnel of that department or agency to the Commission
6 to assist it in carrying out its duties under this Act.

7 **SEC. 7. POWERS OF COMMISSION.**

8 (a) HEARINGS AND SESSIONS.—The Commission
9 may, for the purpose of carrying out this Act, hold hear-
10 ings, sit and act at times and places, take testimony, and
11 receive evidence as the Commission considers appropriate.
12 The Commission may administer oaths or affirmations to
13 witnesses appearing before it.

14 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
15 ber or agent of the Commission may, if authorized by the
16 Commission, take any action which the Commission is au-
17 thorized to take by this section.

18 (c) OBTAINING OFFICIAL DATA.—The Commission
19 may secure directly from any department or agency of the
20 United States information necessary to enable it to carry
21 out this Act. Upon request of the Chairperson of the Com-
22 mission, the head of that department or agency shall fur-
23 nish that information to the Commission.

24 (d) MAILS.—The Commission may use the United
25 States mails in the same manner and under the same con-

1 ditions as other departments and agencies of the United
2 States.

3 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
4 the request of the Commission, the Administrator of Gen-
5 eral Services shall provide to the Commission, on a reim-
6 bursable basis, the administrative support services nec-
7 essary for the Commission to carry out its responsibilities
8 under this Act.

9 (f) CONTRACT AUTHORITY.—To the extent provided
10 in advance in appropriations Acts, the Commission may
11 contract with and compensate government and private
12 agencies or persons for the purpose of conducting research
13 or surveys necessary to enable the Commission to carry
14 out its duties under this Act.

15 **SEC. 8. REPORT.**

16 Not later than 1 year after the date on which the
17 initial appointments under section 5(a) are completed, the
18 Commission shall submit to the President, the Congress,
19 and the highest executive official of each State, a written
20 report containing the findings, conclusions, and rec-
21 ommendations of the Commission resulting from the study
22 conducted under section 4.

23 **SEC. 9. CONSTRUCTION; USE OF INFORMATION OBTAINED.**

24 (a) IN GENERAL.—Nothing in this Act shall be con-
25 strued to require any non-Federal entity (such as a busi-

1 ness, college or university, foundation, or research organi-
2 zation) to provide information to the Commission concern-
3 ing such entity's personnel policies, including salaries and
4 benefits, promotion criteria, and affirmative action plans.

5 (b) USE OF INFORMATION OBTAINED.—No informa-
6 tion obtained from any entity by the Commission may be
7 used in connection with any employment related litigation.

8 **SEC. 10. TERMINATION; ACCESS TO INFORMATION.**

9 (a) TERMINATION.—The Commission shall terminate
10 30 days after submitting the report required by section
11 8.

12 (b) ACCESS TO INFORMATION.—On or before the
13 date of the termination of the Commission under sub-
14 section (a), the Commission shall provide to the National
15 Science Foundation the information gathered by the Com-
16 mission in the process of carrying out its duties under this
17 Act. The National Science Foundation shall act as a
18 central repository for such information and shall make
19 such information available to the public, including making
20 such information available through the Internet.

21 **SEC. 11. REVIEW OF INFORMATION PROVIDED BY THE NA-**
22 **TIONAL SCIENCE FOUNDATION AND OTHER**
23 **AGENCIES.**

24 (a) PROVISION OF INFORMATION.—At the request of
25 the Commission, the National Science Foundation and any

1 other Federal department or agency shall provide to the
2 Commission any information determined necessary by the
3 Commission to carry out its duties under this Act, includ-
4 ing—

5 (1) data on academic degrees awarded to
6 women (including minority women and women with
7 disabilities) in science, engineering, and technology
8 development, and workforce representation and the
9 retention of women (including minority women and
10 women with disabilities) in the fields of science, en-
11 gineering, and technology development; and

12 (2) information gathered by the National
13 Science Foundation in the process of compiling its
14 biennial report on Women, Minorities, and Persons
15 with Disabilities in Science and Engineering.

16 (b) REVIEW OF INFORMATION.—The Commission
17 shall review any information provided under subsection (a)
18 and shall include in the report required under section 8—

19 (1) recommendations on how to correct any de-
20 ficiencies in the collection of the types of information
21 described in that subsection, and in the analysis of
22 such data, which might impede the characterization
23 of the factors which affect the attraction and reten-
24 tion of women (including minority women and

1 women with disabilities) in the fields of science, en-
2 gineering, and technology development; and

3 (2) an assessment of the biennial report of the
4 National Science Foundation on Women, Minorities,
5 and Persons with Disabilities in Science and Engi-
6 neering, and recommendations on how that report
7 could be improved.

8 **SEC. 12. DEFINITION OF STATE.**

9 In this Act, the term “State” includes the several
10 States, the District of Columbia, the Commonwealth of
11 Puerto Rico, the Commonwealth of the Northern Mariana
12 Islands, American Samoa, Guam, the Virgin Islands, and
13 any other territory or possession of the United States.

14 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated to carry out
16 this Act such sums as may be necessary for fiscal years
17 1999 and 2000.